

**FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

James Matthew Pinnock Jr.
(Enter above the full name of the plaintiff in this action)

COMPLAINT

v.

Civil Action No. 06-2685(AET)
(To be supplied by the Clerk of the Court)

Judge Bill Mathasius JSC

Asst Prosecutor James Scott

Frank Trusky

Danielle Vitella

Probation Off. James Hvizdos
(Enter above the full name of the defendant or defendants
in this action)

RECEIVED

JUN 12 2006

AT 8:30
WILLIAM T. WALSH
CLERK

INSTRUCTIONS -- READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)



42 U.S.C. § 1983 (applies to state prisoners)



Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

- a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- b. Court and docket number: _____

- c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted

- d. Approximate date of filing lawsuit: _____

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e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Passaic County Jail

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: James Matthew Pinoak Jr.

Address: Passaic County Jail

11 Marshall Street Paterson New Jersey.

Inmate #: 534791

b. First defendant - name: Bill Mathesius, JSC

Official position: Judge

Place of employment: Mercer County Superior Court.

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

The Honorable Bill Mathesius is the Judge in
my case we agreed that in a plea-bargain
I would not go to State Prison. He violated
the contract and I am falsely imprisoned
because of that. I also have mental disabilities.

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c. Second defendant -- name: James Scott

Official position: Asst Prosecutor

Place of employment: Mercer County Superior Court

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

James Scott is the Assistant Prosecutor that offered the plea-bargain and also signed the plea-agreement for me not going to prison.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

 Yes ✓ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

I don't know, I was being treated for mental illness

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

18th, 2005 of April I went to Mercer County Superior Court for a 3 degree Escape Charge. From the Ann Klein Forensic Center September 1, 2003, Frank Trosky who was my Public Defender came to me and said they are offering time served with a flat 3 and you want go to State Prison. I with my lawyer's assistant filled out the Plea-bargain and the Assistant Prosecutor James Scott signed the agreement and my lawyer signed and I signed. Judge Bill Mathesius JSC read me my rights and ask me if I was guilty I said I was on medication then my lawyer said so, yes your going home. I said yes to everything I wanted to go home not to prison that's what they had me thinking. Danille Vitella on 6/22/05 approved of probation and James Hrizados was the probation officer he prepared 6/22/05. My Constitutional Rights are violated Freedom and liberty denied. Probation wasn't apart of the Plea-agreement.

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7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I want the Court to get me \$130,000
for my pain and suffering. Sending me to
prison falsely.

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial

☐ Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12th day of May, 2006.

James M. Pasach
Signature of plaintiff¹

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

Third defendant - name: Frank Trusky

Official position: Public Defender

Place of employment: Mercer County Public Defenders Office.

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Frank Trusky was my defense attorney who help violate my rights to a fair trial, and violated the legal services plan of Mercer County. I got an illegal sentence, my right for freedom has been violated. False imprisonment "Illegal Sentence"

Fourth defendant - name: Danielle Vitella

Official position: Team leader

Place of employment: Mercer County.

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Danielle Vitella is involved in my case and I don't even know my plea had nothing to do with her. But she recommended something in my case. She violated my right because I should know she is in my case. "Illegal Sentence" False imprisonment.

Fift. defendant - name: Probation Off. James Huizdos.

Official position: Probation Officer

Place of employment: Mercer County.

How is this person involved in the case?

I.e., what are you alleging that this person did or did not do that violated your constitutional rights.

James Huizdos is a probation officer I was never on probation so, I couldnt tell about this when I heard this man was a part of my case. Then reading the plea sheet after sentencing and seen his name probation was never apart of the plea agreement he violated my rights by being apart of an illegal sentencing. False imprisonment.

FORM TO BE USED BY A PRISONER
APPLYING TO PROCEED IN FORMA PAUPERIS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

James Matthew Pinock Jr

(Enter above the full name of the plaintiff in this action)

APPLICATION TO PROCEED
IN FORMA PAUPERIS

v.

Civil Action No. _____

(To be supplied by the Clerk of the Court)

Judge Bill Mathesius J.S.C.:

Ass't Prosecutor James Scott

Frank Trosky

Danielle Vitella

Probation Off. James Hvizdos

(Enter above the full name of the defendant or defendants
in this action)

I, James Matthew Pinock Jr, declare that I am the (check appropriate box)
Petitioner / plaintiff / movant Other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty, I am unable to prepay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

I need an opportunity if I could pay I
would but I can't. If I was to get relief
I would pay no problem.

FORM TO BE USED BY A PRISONER APPLYING TO PROCEED IN FORMA PAUPERIS

In support of this application, I answer the following questions under the penalty of perjury:

1. Are you currently incarcerated?

☒ Yes

No

If "Yes," list dates and places of confinement for the six-month period immediately preceding the filing of this application:

Dates of Confinement

Place of Confinement

September 23, 2005

Northern State Prison

May 13, 2006

Passaic County Jail

For each institution in which you have been confined for the preceding six months, you must submit a certified copy of your prison account statement and an Account Certification Form (use attached Account Certification Forms).

2. Are you employed at your current institution?

Yes

☒

Do you receive any payment or money from your current institution?

☒

No

If "Yes," state how much you receive each month:

} N/A

3. In the past 12 months, have you received any money from any of the following sources?

a. Business, profession, or other self-employment	Yes	No
b. Rent payments, interest, or dividends	Yes	No
c. Pensions, annuities, or life insurance payments	Yes	No
d. Disability or workers compensation payments	Yes	No
e. Gifts or inheritances	Yes	No
f. Any other sources	<input checked="" type="radio"/> Yes	No

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

My mother sends money to me I don't
know if I will continue to get money.

3. Other than your prison account, do you have any cash or checking or savings account?

Yes

☒ No

If "Yes," state the total amount:

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4. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles, or any other property or assets? Yes ☐ No ☒

If "Yes," please describe: _____

5. List the persons who are dependent on you for support, your relationship to each person and how much you contribute to their support.

Nothingone thing I give is love.

6. Authorization and Declaration

I, James Pinnock
(Print or Type Name and Number of Prisoner)

authorize the agency having custody over me to assess, withdraw from my prison account, and forward to the Clerk of the District Court for the District of New Jersey (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to my prison account or the average monthly balance in my prison account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to my prison account each month the amount in the account exceeds \$10.00, until the \$150.00 fee is paid. 28 U.S.C. § 1915(b)(1) and (2).

I declare under penalty of perjury that the information contained in this application is true and correct.

May 12th 2006
DATE

James M. Pinnock
SIGNATURE OF APPLICANT

(Note to Applicant: forward a copy of this Account Certification Form to each institution in which you have been confined for the six-month period prior to the date of this application.)

ACCOUNT CERTIFICATION FORM

I certify that the attached trust fund account statement (or institutional equivalent) is true and correct.

Date

Authorized Officer of Institution

NOTICE TO PRISON OFFICIALS: Pursuant to the Prison Litigation Reform Act, you will be obligated to forward payments to the appropriate United States District Court if the prisoner herein is granted leave to proceed in forma pauperis. 28 U.S.C. § 1915(b)(2) (April 26, 1996). Pursuant to that statute, once an initial partial fee is paid, the prison official in charge of the prisoner's account must forward payments of 20% of the income credited to the prisoner's account during the preceding month, each month the amount in the account exceeds \$10.00, until the entire filing fee has been paid.

----- {Cut along dotted line} -----

(Note to Applicant: forward a copy of this Account Certification Form to each institution in which you have been confined for the six-month period prior to the date of this application.)

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4. Do you have any cash or checking or savings accounts?

☒ Yes

☐ No

If "Yes," state the total amount. I don't know

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☒ No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

May 12th 2006 Jerry M. Pinock
Date Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

COIPRAS

NORTHERN STATE PRISON

OTRTASTA

TRUST ACCOUNT STATEMENT

STATEMENT DATE: 04/01/2006 - 05/12/2006

SBI #: 000938588C

Name: PINNOCK, JAMES

DOB: 03/01/1984

LOCATION: NSP-NORTH-B1W-106B

INM# 534791

FED: 06/29/2006

As of Date: 06/29/2006

Max Date: 05/13/2006

LOCATION SUB ACCOUNT	BEGINNING BALANCE	ENDING BALANCE	HOLD
NSP 2101 SPENDABLE	26.19	351.18	
NSP 2102 WORK RELEASE SAVINGS	0.00	0.00	
NSP 2103 RELEASE SAVINGS	0.00	0.00	

DEBTS AND LOANS SUMMARY

TYPE	PAYABLE	DATE CREATED/INSTITUTION	ORIGINAL AMOUNT	AMOUNT PAID	AMOUNT OWING	STATUS
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OBLIGATIONS SUMMARY

TYPE	PAYABLE	INFO / INDICTMENT #	ORIGINAL AMOUNT	AMOUNT PAID	AMOUNT OWING	STATUS
TCF	TRANSACTION COLLECTION FEE	09062005 @CRAP		0.00	UNLIMITED	ACTIVE
TCF	TRANSACTION COLLECTION FEE	09232005 @NSP		6.50	UNLIMITED	ACTIVE
SNSP	SAFE NEIGHBOURHOOD	03-10-00980-1	75.00	32.56	42.44	ACTIVE
50VWAF	\$50 VICTIMS AND WITNESS ADVOCACY FUND	03-10-00980-I	8.00	8.00	0.00	ACTIVE
50CDRC	\$50 CRIMINAL DISP. AND REV. COLLECTION	03-10-00980-I	3.00	3.00	0.00	ACTIVE
50VCCB	\$50 VICTIMS OF CRIME COMPENSATION BOARD	03-10-00980-I	39.00	39.00	0.00	ACTIVE
LEOTEF	LAW ENFOR. OPR. TRATN. & EQUIP. FUND	03-10-00980-I	30.00	30.00	0.00	ACTIVE

Balance in acct. May '06, R12 detail, 10 days @ \$1.30

max
~~351.18~~
~~13.00~~
364.18

05/12/2006 12:38

DEPARTMENT OF CORRECTIONS

PAGE

OTRTASTA

COIPRAS

NORTHERN STATE PRISON

TRUST ACCOUNT STATEMENT

STATEMENT DATE: 04/01/2006 - 05/12/2006

SBI #: 000938588C

Name: PINNOCK, JAMES

DOB: 03/01/1984

LOCATION: NSP-NORTH-B1W-106B

INM# 534791

TRANSACTION DESCRIPTIONS 2101 SPENDABLE SUB ACCOUNT

DATE	LOCATION	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
			BEGINNING BALANCE:		26.19
04/03/2006	NSP	MR	4427281393	200.00	226.19
04/03/2006	NSP	DED	\$15 DEDUCTION-DISCRETIONARY SPENDING RESERVE PER 10A.	(15.00)	211.19
04/03/2006	NSP	ADD	\$15 DEDUCTION-DISCRETIONARY SPENDING RETURN PER 10A.	15.00	226.19
04/03/2006	NSP	DED	DEDUCTION-LEOTEF 03-10-00980-I D	(20.00)	206.19
04/03/2006	NSP	DED	TRANSACTION FEE FOR TCF	(1.00)	205.19
04/05/2006	NSP	MR	09283730455	100.00	305.19
04/05/2006	NSP	DED	DEDUCTION-LEOTEF 03-10-00980-I D	(1.17)	304.02
04/05/2006	NSP	DED	DEDUCTION-SNSF 03-10-00980-I D	(8.83)	295.19
04/05/2006	NSP	DED	TRANSACTION FEE FOR TCF	(1.00)	294.19
04/07/2006	NSP	POS	POSTAGE	(1.11)	293.08
04/07/2006	NSP	POS	POSTAGE	(0.87)	292.21
04/07/2006	NSP	POS	POSTAGE	(0.87)	291.34
04/07/2006	NSP	POS	POSTAGE	(3.03)	288.31
04/10/2006	NSP	MR	09856427973	30.00	318.31
04/10/2006	NSP	DED	DEDUCTION-SNSF 03-10-00980-I D	(3.00)	315.31
04/13/2006	NSP	FPAY	R12 /JAN UN /FPAY /RG:1 23 @1.30 03/31/2006	29.90	345.21
04/13/2006	NSP	DED	FPAY-DEDUCTION-SNSF 03-10-00980-I	(9.87)	335.34
04/13/2006	NSP	DED	TRANSACTION FEE FOR TCF	(0.50)	334.84
05/04/2006	NSP	CRS	COMMISSARY SALE - ORD #3315753	(91.76)	243.08
05/04/2006	NSP	CRS	COMMISSARY SALE - ORD #3316499CAN1	(8.24)	234.84
05/04/2006	NSP	CEC	COMMISSARY RETURN - ORD #3316499	8.24	243.08
05/08/2006	NSP	MR	08-450347534	100.00	343.08
05/08/2006	NSP	DED	\$15 DEDUCTION-DISCRETIONARY SPENDING RESERVE PER 10A.	(15.00)	328.08
05/08/2006	NSP	ADD	\$15 DEDUCTION-DISCRETIONARY SPENDING RETURN PER 10A.	15.00	343.08
05/08/2006	NSP	DED	DEDUCTION-SNSF 03-10-00980-I D	(10.00)	333.08
05/08/2006	NSP	DED	TRANSACTION FEE FOR TCF	(1.00)	332.08
05/08/2006	NSP	CEC	COMMISSARY RETURN - ORD #3315753	17.36	349.44
05/10/2006	NSP	FPAY	R12 /JAN UN /FPAY /RG:1 2 @1.30 04/28/2006	2.60	352.04
05/10/2006	NSP	DED	FPAY-DEDUCTION-SNSF 03-10-00980-I	(0.86)	351.18

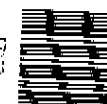
Jones
H. M.
Patterson

Pincode
N.J. 0750

CERTIFIED MAIL



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Clerk United States District
Court for the District of
New Jersey, Newark N.J.
King, Jr Federal Bldg & U.S
Courthouse 50 Walnut St. Newark
07102

6/12/06